



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 6766-97

21 July 1999

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 July 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 5 July 1989 for five years at age 18. The record shows that you served in an excellent manner for over four years. On 14 September 1993 you received nonjudicial punishment for driving while your driving privileges had been revoked. The punishment imposed included a reduction in rate from LCPL (E-3) to PFC (E-2). Subsequently, you were again promoted to LCPL. You were released from active duty on 9 June 1994 with your service characterized as honorable. At that time you acknowledged that you were being assigned an RE-4 reenlistment code. Although the DD Form 214 shows that you were assigned an RE-1A reenlistment code, a DD Form 215 was later issued to correct the reenlistment code to RE-4.

With your application you have submitted evidence showing that you are now a member of the California National Guard. You contend, in effect, that the assignment of the RE-4 reenlistment code was inappropriate given your overall excellent record, the isolated nature of your offense, and your current service in the National Guard.

In reaching its decision, the Board noted that you received nonjudicial punishment for driving with your privileges suspended. This offense led the Board to believe that you had difficulty accepting authority. In addition, the Board wondered about the offense(s) which resulted in your driving privileges being suspended in the first place. The Board was also aware that you were only serving as a LCPL after five years of active service, and concluded that this constituted somewhat substandard service since most Marines are advanced to CPL (E-4) within such a period. The Board concluded that the overall record was sufficient to support the assignment of the RE-4 reenlistment code and the commanding officer did not abuse his discretion in this regard.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director